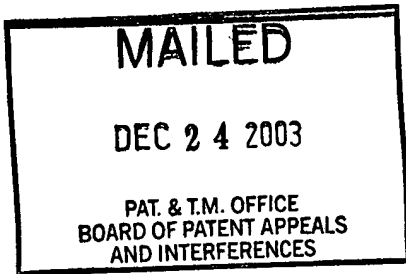


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JAMES S. BLOMGREN
and
FRITZ A. BOEHM

Application No. 09/405,618

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on December 15, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 3 of the Examiner's Answer mailed August 27, 2003 (Paper No. 12), the examiner listed the following references under the heading "(9) Prior Art of Record";

5,706,476	Giramma	1-1998
6,069,497	Blomgren et al.	5-2000

IEEE Standard Multivalued Logic System for VHDL Model Interoperability (Std_logic_1164), March 18, 1993, The Institute of Electrical and Electronics Engineers, Inc. New York, NY., 1-55937-299-0.

"On the Use of VHDL as a Multi-Valued Logic Simulator", C. Rozon, Royal Kings College, Kingston Ontario Canada, IEEE 1996.

It is noted that the Leight et al. U.S. patent 6,289,497 reference cited on pages 3 and 4 of the Examiner's Answer under the heading "(10) Grounds of Rejection" is not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1, Feb. 2003), clarification is required regarding the pertinence of the Leight et al. reference. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Leight et al. reference under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed August 27, 2003 (Paper No. 12).

Clarification is also requested regarding the pertinence of the Blomgren et al. reference (6,069,497 filed 5-2000) appearing on page 3 of the Examiner's Answer under the heading "(9) Prior Art of Record" but not included as "(10) Grounds of Rejection."

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for clarification under MPEP § 1211 regarding the pertinence of the Leight et al. reference listed on pages 3 and 4 of the Examiner's Answer mailed August 27, 2003 (Paper No. 12);

2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Leight et al. reference in a Supplemental Examiner's Answer under the heading "References of Record";

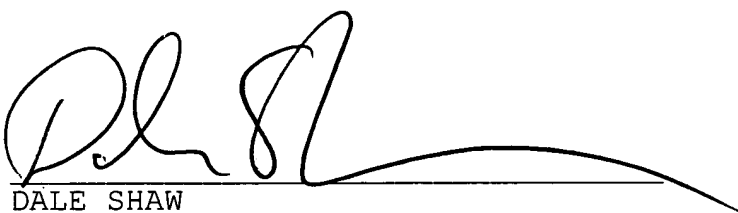
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3. for clarification under MPEP § 1211 regarding the pertinence of the Blomgren et al. reference listed on page 3 of the Examiner's Answer mailed August 27, 2003 (Paper No. 12); and

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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